

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	No. CR 01-0026 SI (BZ)
)	
v.)	
)	
ROBERT WILLIAM KLURE,)	ORDER OF DETENTION PENDING
)	SUPERVISED RELEASE
Defendant(s).)	REVOCATION HEARING
)	

This matter came before the Court on December 20, 2006 for a detention hearing on the United States' motion following a petition by U.S. Probation charging defendant Robert William Klure with violating the terms and conditions of his supervised release. Defendant has been convicted of violating 18 U.S.C. § 510(a)(2), a Class C felony. Klure was present and represented by Julia Mezhinsky Jayne, Esq. Assistant United States Attorney Robert David Rees appeared for the United States of America. U.S. Probation was represented by Probation Officer Bobby H. Love, Jr.

At the hearing, the government requested detention, U.S. Probation concurred, and the defendant opposed. Proffers and

1 arguments affecting detention were submitted by the parties at
2 the hearing.

3 Because the defendant is charged with a violation of
4 supervised release, the burden of establishing that he is not
5 a flight risk or danger to the community rests with defendant.
6 Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. 3143. Having
7 considered everything before me in this matter, I find that
8 defendant has not established by clear and convincing evidence
9 that he is not a risk of flight. Rather, I find that
10 defendant appears able to secure funds and travel documents
11 under false pretenses; maintains weak ties to the area; and
12 demonstrates a serious risk of flight. I therefore ORDER him
13 detained. In so finding, I have considered the following:

- 14 1. Defendant is alleged to have violated the terms of
15 his supervised release on an underlying federal
16 felony conviction for passing a fraudulent United
17 States treasury check.
- 18 2. A search conducted of the defendant's residence at
19 the time of his arrest revealed evidence of fraud-
20 related activity, including an out-of-state driver's
21 license for "Robert St. John" with the defendant's
22 photograph as well as several bank cards bearing the
23 same name.
- 24 3. The verified petition alleges that the defendant
25 secured a \$1,646,250 mortgage in the name of "Robert
26 St. John" with a false social security number.
- 27 4. All three of defendant's prior federal convictions
28 are for fraud-related activity.

1 5. Judge Illston, the sentencing judge in the
2 underlying case, issued a no-bail warrant for
3 defendant's arrest on these charges.

4 6. Defendant proffered no conditions of release, nor
5 have any occurred to the court, that would
6 reasonably assure that defendant will make his court
7 appearances rather than flee. Although defendant
8 informed the Court that he may be able to obtain a
9 bond secured by either his brother or his father, no
10 particulars were presented. And although defendant
11 argued that he had been and would be caring for his
12 ill father and, thus, has a strong tie to the area,
13 his father is currently living out of state; the
14 defendant has lost his abode; and it is not clear
15 whether and where defendant will care for his father
16 in the near future.

17 7. The court does not consider an unsecured
18 bond signed by Miriam Izpahani (phonetic)
19 to adequately assure his appearance.

20 Therefore, **IT IS ORDERED** that:

21 (1) the defendant, Robert William Klure, be, and
22 hereby is, committed to the custody of the Attorney
23 General for confinement in a corrections facility
24 pending disposition of the alleged supervised
25 release violations;

26 (2) the defendant be afforded reasonable opportunity
27 for private consultation with his counsel; and

28 (3) on order of a court of the United States or on

1 request of an attorney for the government, the
2 person in charge of the corrections facility in
3 which the defendant is confined shall deliver the
4 defendant to an authorized Deputy United States
5 Marshal for the purpose of any appearance in
6 connection with a court proceeding in this matter.

7 Dated: December 21, 2006

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9 Bernard Zimmerman
10 United States Magistrate Judge

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